

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

CR-20-89-GF-BMM

Plaintiff,

vs.

WESLEY ALLEN CROSS GUNS, JR.,

ORDER

Defendant.

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on October 17, 2022. (Doc. 51.)

When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Bad Old Man v. Arn*, 474 U.S. 140, 153-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on October 13, 2022. (Doc. 50.) The United States accused Wesley Cross Guns, Jr. (Cross Guns) of violating

his conditions of supervised release 1) by failing to report to the probation office within 72 hours of his release from prison; 2) by using methamphetamine; and 3) by consuming alcohol. (Doc. 43.)

At the revocation hearing, Cross Guns admitted to violating the conditions of his supervised release 1) by failing to report to the probation office within 72 hours of his release from prison; 2) by using methamphetamine; and 3) by consuming alcohol. Judge Johnston found that the violations Cross Guns admitted proved to be serious and warranted revocation, and recommended revocation of Cross Guns's supervised release and recommended that Cross Guns receive a custodial sentence until January 20, 2023, with 32 months of supervised release to follow, with the first 180 days of supervised release in a residential re-entry center, as directed by his probation officer. (Doc. 51.) Cross Guns was advised of his right to appeal and his right to allocute before the undersigned. (Doc. 50.) The violations prove serious and warrant revocation of Cross Guns's supervised release. The Court finds no clear error in Judge Johnston's Findings and Recommendations.

Accordingly, **IT IS ORDERED** that Judge Johnston's Findings and Recommendations (Doc. 51) are **ADOPTED IN FULL**. **IT IS FURTHER ORDERED** that Defendant Wesley Allen Cross Guns, Jr. be sentenced to the Bureau of Prisons for until January 20, 2023, with 32 months of supervised release

to follow. Cross Guns should serve the first 180 days of supervised release in a residential re-entry center, as directed by his probation officer.

DATED this 2nd day of November, 2022.



Brian Morris, Chief District Judge
United States District Court

